

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JOSEPH H. MCDONALD,

Plaintiff,

V.

NEBRASKA DEPT. OF
CORRECTIONS, SCOTT FRAKES,
and BRAD HANSON, et al,

Defendants.

4:16CV3075

**MEMORANDUM
AND ORDER**

This matter is before the court on Plaintiff's Motion for Leave to Proceed in Forma Pauperis ("IFP"). (Filing No. [2](#).) The court has reviewed the application to proceed IFP. Plaintiff's trust account information shows that Plaintiff's account contained an average monthly balance of \$2,776.55 for the six-month period immediately preceding the filing of the Complaint. (Filing No. [9](#).) Thus, the court concludes that Plaintiff must pay the \$400 filing fee because he has the financial ability to do so. *See* [28 U.S.C. § 1915\(a\)](#). No further review of this case will take place until the fee is paid.

IT IS THEREFORE ORDERED that:

1. Plaintiff's request to proceed IFP (Filing No. [2](#)) is denied.
2. Plaintiff must pay the \$400 filing fee within 30 days. Plaintiff is warned that if the fee is not paid as required, the court may dismiss this case without further notice.
3. The clerk of the court is directed to set a pro se case management

deadline in this case using the following text: June 20, 2016: deadline for Plaintiff to pay filing fee.

4. No further review of this case will take place until the filing fee is paid.

DATED this 19th day of May, 2016.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge